

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

MILEKE WILLIAMS,

Plaintiff

- v -

Civ. No. 9:11-CV-0826
(GLS/RFT)

E. FALKOWSKI, *et al.*,

Defendants.

RANDOLPH F. TREECE, U.S. MAGISTRATE JUDGE

ORDER

A telephone conference was held in the above captioned case on January 21, 2014, with counsel for all parties. During that conference, Plaintiff's Counsel, Janet M. Izzo, Esq., who had just been retained by Plaintiff, discussed the prospect of retaining a medical expert. Based upon the discussion held therein, this Court granted Plaintiff three weeks to make that determination. Dkt. No. 48. On February 12, 2014, this Court held another telephone conference with the Attorneys. During that conference, Attorney Izzo represented that she retained expert(s), but was still waiting to receive all the necessary medical records. Accordingly, this Court directed Plaintiff to file a status report by March 14, 2014. Dkt. No. 49. Plaintiff complied, and based upon the information contained in the status report, this Court granted Plaintiff an additional thirty days to decide whether to retain a medical expert; another status report deadline was set for April 24, 2014. To date, no status report has been filed.

The Court finds that it has given ample consideration and opportunity to Plaintiff to determine whether an expert would be retained. In light of the passage of time and the failure to file a status report, this Court finds that this case is ready for trial. Accordingly, it is hereby

ORDERED, that this case is referred to the assigned District Judge or a Visiting District Judge for trial and all further proceedings;¹ and it is further

ORDERED, that the Clerk of the Court send a copy of this Order on the parties.

SO ORDERED.

Date: April 30, 2014
Albany, New York



Randolph F. Treece
U.S. Magistrate Judge

¹ This case will be placed on the trial-ready calendar of the assigned District Judge or another District Judge unless prior to the trial ready date, all parties file a Consent to the Exercise of Jurisdiction by a Magistrate Judge. *See* N.D.N.Y. Gen. Ord. 25; *see also* 28 U.S.C. § 636(c); N.D.N.Y.L.R. 72.2(b). In the event of the filing of a consent form, the District Judge may issue an Order of Reference, at which point the case would be removed from the District Judge's list of trial-ready cases, and the case will be referred to the assigned United States Magistrate Judge or another Magistrate Judge for all further proceedings, including the setting of a date-certain for trial before the Magistrate Judge.